



Attorney Docket: 00037.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al. ) Examiner: M. Haghigian  
) )  
Serial No.: 10/735,495 ) Group Art Unit: 1616  
) )  
Filing Date: December 12, 2003 ) Confirmation No.: 1875  
) )  
For: DELIVERY OF ALPRAZOLAM, )  
ESTAZOLAM, MIDAZOLAM OR )  
TRIAZOLAM THROUGH AN )  
INHALATION ROUTE )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. The Examiner is requested to make these documents of record.

**TIME OF TRANSMITTAL**

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

06/14/2005 NNGUYEN1 00000060 10735495

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37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 9, 2005.

Signature:   
Name: Tracy E. Crispino

This Statement is accompanied by a check for \$180.00 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

Documents listed in the attached Form PTO-1449 and numbered 1, 7, 9-12, 16, 18-30 are office actions, and the references relied upon therein, issued with respect to co-pending and co-owned applications directed to subject matter that is similar or related to the subject matter of the present invention. Documents listed in the attached Form PTO-1449 and numbered 2-6, 8, 13-15 and 17 are described in the "Background of the Invention" section (page 3, line 23 to page 4, line 19) of priority document U.S. provisional patent application Serial No. 60/294,205 filed May 25, 2001 (attached hereto as Exhibit A). Finally, consistent with our previous disclosures in this application, documents listed in the attached Form PTO-1449 and numbered 31-46 are co-pending and co-owned applications directed to subject matter that is similar or related to the subject matter of the present invention. This updates the list of such applications that were previously disclosed.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

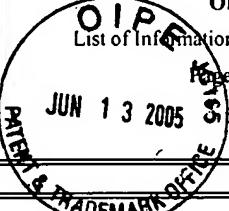
Date: June 9, 2005



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<b>FORM PTO-1449</b>  List of Information Cited by Applicant Page 1 of 2 JUN 13 2005 3	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00037.08CON	SERIAL NO. 10/735,495
	APPLICANT	Rabinowitz, et al.	
	FILING DATE	GROUP	
	December 12, 2003	1616	

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	1.	4,484,576	11/27/84	Albarda			
	2.	4,566,451	01/28/86	Badewien			
	3.	4,734,560	03/29/88	Bowen			
	4.	4,853,517	08/01/89	Bowen et al.			
	5.	4,303,083	12/01/81	Burruss, Jr.			
	6.	4,906,417	03/06/90	Gentry			
	7.	4,735,217	04/05/88	Gerth et al.			
	8.	5,840,246	11/24/98	Hammons et al.			
	9.	5,743,251	04/28/98	Howell et al.			
	10.	6,090,212	07/18/00	Mahawili			
	11.	5,146,915	09/15/92	Montgomery			
	12.	5,918,595	07/06/99	Olsson et al.			
	13.	4,917,119	04/17/90	Potter et al.			
	14.	4,941,483	07/17/90	Ridings et al.			
	15.	3,982,095	09/21/76	Robinson			
	16.	5,605,146	02/25/97	Sarela			
	17.	5,456,247	10/10/95	Shilling et al.			
	18.	3,949,743	04/13/76	Shanbrom			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	19.	WO 94/09842	05/11/94	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	20.	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01 "Method And Device For Delivering A Physiologically Active Compound"
	21.	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	22.	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	23.	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	24.	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and <u>not</u> considered. Include copy of this form with next communication to applicant.	

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>List of Information Cited by Applicant</b>  <b>Page 2 of 2</b>	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
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